

Paper No. 710
Disposes of
Oral application in
Open Court, circ.,
1 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING ORAL APPLICATION
	) OF PROSECUTION TO CONDUCT
vs -	) THE PHASE OF THE CASE FOR
	) THE REPUBLIC OF FRANCE IN
ARAKI, Sadao; et al	) THE FRENCH LANGUAGE.

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 1st day of October, 1946, upon the oral application of the Prosecution for leave of the Tribunal to conduct and present in the French language, that phase of the case relating to the Republic of France, in that:

(1) The opening statement may be made in the French language, with simultaneous transmission of translations of the French in the English and the Japanese languages;

(2) That the Prosecutor may make his extemporaneous remarks to the Tribunal and his replies to remarks and objections interposed by Counsel for the Defense, and his replies to remarks and interrogations made by the Tribunal, in the French language, and the same shall be translated into English and Japanese and transmitted simultaneously;

(3) All prepared statements and comments regarding any documents to be offered into evidence in this phase of the case may be presented in the French language, with simultaneous English and Japanese translations transmitted concurrently therewith; the contents of the accepted documents to be read in the English language, with the usual concurrent transmission of translations thereof in the Japanese language; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises; it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That the oral application of the Prosecution to conduct the phase of the case for the Republic of France in the French language be granted, in that the use of the French language shall be allowed to the extent indicated or suggested by the oral application; and it is further

ORDERED: That objections interposed by the Defense to the admission of evidence or otherwise will be translated into French and into Japanese or English, as the case may be, and the same procedure applies to the answers thereto; and it is further

ORDERED: That this order may be altered from time to time to suit the exigencies of the case and to enable compliance with the Charter.

Dated at Tokyo, Japan, nunc pro tunc, 1 October, 1946.

Signed: 29 January, 1947.

/s/ W. F. WEBB.
PRESIDENT.

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla

Paper No. 712
Disposes of
Paper No. 681 in respect to
Paper No. 642.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	} ORDER: } GRANTING THE APPLICATION OF } THE ACCUSED SHIMADA, } SHIGETARO, TO AMEND THAT } CERTAIN ORDER OF THE TRI- } BUNAL NO. 642 DATED 8 } JANUARY, 1947, WITH REGARD } TO THE PRODUCTION OF CERTAIN } DOCUMENTS.
- vs -	
ARAKI, Sadao; et al	

This matter coming on to be heard this 27 day of January, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the accused SHIMADA, Shigetaro, by his Counsel of record, to amend that certain order of the Tribunal dated 8 January, 1947, and designated Paper No. 642, wherein the Tribunal ordered the production of certain witnesses and documents named and set forth therein on behalf of the said accused, by striking from said order that part thereof beginning in the middle of Page 4 and commencing as follows: "It is further ORDERED: That the application of the accused for the production of the following named documents is granted" and continuing to the middle of Page 5, to the line, but not including, "Dated at Tokyo, Japan, this 8 January, 1947," and inserting in the place and in lieu thereof as though set forth originally therein in full the following:

"It is further

"ORDERED: That the application of the accused for the production of the following named documents is granted, and that said documents, the location of which is set forth in the description of the documents, be procured forthwith and lodged with the Registry of the Tribunal, subject, however, to the decision of the proper responsible officials of the government of the United States of America or of the United Kingdom of Great Britain to reveal, release, or withhold those documents respectively requested from said governments for reasons of state or security:

The following tables or lists compiled by the United States Navy Department;

(a) List of battleships, airplane carriers, and A and B class cruisers at the end of every year beginning from 1931 to 1945;

(b) Records showing the number of Navy personnel at the end of every year beginning from 1931 to 1945, including reserves;

(c) Tables showing construction plan of warships and Navy airplanes at the end of every year beginning from 1931 to 1945;

(d) Records of the discussions in the Senate and Foreign Affairs and Naval Committee in Congress from April to December 1930 bearing upon the 1930 London Naval Armament Conference;

(e) Records of the meeting of the United States Naval Committee of the Senate dating from

April 1940, to January 1, 1942, located in the files of the United States Senate;

(f) All diplomatic documents and telegrams between the United States of America and England, dating from April 1941 to the end of the same year, located in the United States Department of State and also in the British Foreign Ministry;

(g) United States documents pertaining to the Japanese-American Conference, located in the United States Department of State, from the beginning of 1941 to the end of the same year."

And it is further

ORDERED: That in each and all other respects, the order of the Tribunal of 8 January, 1947, shall be and remain as originally made and entered and in full force and effect.

Dated at Tokyo, Japan, this 29 January, 1947.

BY THE TRIBUNAL:

Signed:

W. F. WEBB
PRESIDENT

Paper No. 714
Disposes of
Application in
Open Court, circ.,
4 October, 1946.

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
- vs -	) GRANTING APPLICATION OF
	) THE PROSECUTION TO CONDUCT
ARAKI, Sadao; et al	) THE PHASE OF THE CASE FOR
	) THE UNION OF SOVIET SOCIAL-
	) IST REPUBLICS IN THE
	) RUSSIAN LANGUAGE.

This matter coming on for further hearing and consideration by the Tribunal in Open Court this 4th day of October, 1946, upon the application of the Prosecution for leave of the Tribunal to conduct and present in the Russian language that phase of the case relating to the Union of Soviet Socialist Republics in that:

(1) The opening statement and all comments on the evidence presented to the Tribunal will be read in the Russian language. They will be written and translated into English and Japanese beforehand. The respective texts will be served on the interpreters in good time, so that simultaneous translation into English and Japanese, and the concurrent transmission thereof, will be assured;

(2) The documents, or portions thereof, which are offered and admitted into evidence and read into the record will be prepared and presented in the same order and manner as set forth in Paragraph (1);

(3) The examination of Russian witnesses is to be carried out in the Russian language, with subsequent translation

of questions and answers simultaneously into Japanese and English;

(4) The offering and reading of affidavits in lieu of direct examination of Japanese witnesses is intended and will be done in the same way as the reading of documents in general;

(5) The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously; and

The Tribunal hearing the further arguments of Counsel, and being fully advised in the premises, it is the decision of a majority of the Justices of the Tribunal and

ORDERED: That said application of the Prosecution is granted, with the exception of Paragraph (5) thereof, which reads: "The President's remarks and the objections of the Defense should be translated into Russian. Accordingly, the Prosecutor's replies to the objections of the Defense and the Prosecutor's explanations to the President's remarks will have to be translated into English and Japanese simultaneously." The application of the Prosecution to use the Russian language in respect to those matters is denied.

Dated at Tokyo, Japan, nunc pro tunc, 6 October, 1946.

Signed: 30 January, 1947.

BY THE TRIBUNAL:

(Signed) W. F. Webb
President

SITTING:

The Honorable Sir William Webb
The Honorable Mr. Justice Northcroft
Lord Patrick
The Honorable Mr. Justice Mei
Major General of Justice I. M. Zaryanov
Major General Myron C. Cramer
The Honorable Mr. Justice McDougall
The Honorable Mr. Justice Bernard
The Honorable Mr. Justice Roling
The Honorable Mr. Justice Pal
The Honorable Mr. Justice Jaranilla